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**MAY 29 2003**

**OFFICE OF PETITIONS**

In re Application of  
Peter S. Linsley, William Brady,  
Jeffrey A. Ledbetter, Nitin K.  
Damle  
Application No. 08/219,200  
Filed: March 29, 1994  
Attorney Docket No. 30436.11US01

DECISION ON PETITIONS

This is a decision on the petition under 37 CFR 1.47(a), filed November 18, 2002 (Certificate of Mailing dated November 13, 2002), which is properly treated as a petition under 37 CFR 1.183 to waive the requirement under 37 CFR 1.67 that all of the inventors sign a supplemental declaration.<sup>1</sup>

The petition under 37 CFR 1.183 is **GRANTED**.

The above-identified application was filed on March 29, 1994. A Notice of Allowance and Notice of Allowability were mailed on August 13, 2002. With the notices, the examiner required a new oath or declaration in compliance with 37 CFR 1.67(a). These notices set a three month statutory period for reply.

In reply, applicant filed the instant petition. Applicant paid the issue fee and filed formal drawings on November 19, 2002, made timely by including a Certificate of Mailing dated November 13, 2002.

37 CFR 1.67 states, in pertinent part:

(a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of §1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.

<sup>1</sup> A petition under 37 CFR 1.47 only applies to the initially filed 37 CFR 1.63 declaration.

(1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47 may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

With the instant petition, attorney Sarah B. Adriano has set forth the steps taken to secure joint inventor Ledbetter's signature on the supplemental declaration. Adriano has included, *inter alia*, a copy of a cover letter dated October 15, 2002, addressed to the last known address of Ledbetter and enclosing the application papers. However, as of the date of the petition, no supplemental declaration has been received.

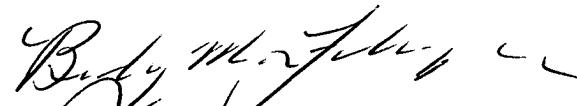
In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The supplemental reissue declaration was required to be signed by joint inventors Linsley, Brady, Ledbetter, and Damle. However, only Linsley, Brady, and Damle executed the declaration. Petitioner has demonstrated that a *bona fide* effort was made to secure Ledbetter's signature on the supplemental declaration. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

**Accordingly, the newly executed declaration filed on November 18, 2002 will be entered, despite the fact that the requirement set forth in 37 CFR 1.67(a)(1) that all the inventors sign a supplemental oath or declaration has not been satisfied.**

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries related to this decision may be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly Flanagan  
Supervisory Petitions Examiner  
Office of Petitions